

EXHIBIT 5

1

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN FRANCISCO
3 - - -

4 COMMUNITIES FOR A :
5 BETTER ENVIRONMENT, a :
6 California Non-Profit :
7 Corporation, on behalf :
8 of the General Public, :
9 Plaintiff, :

10 -vs- :

11 UNOCAL CORPORATION, a :
12 Delaware corporation, :
13 et al., :

14 Defendants. :

15 - - -
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 IN AND FOR THE COUNTY OF SAN FRANCISCO
18 - - -

19 SOUTH TAHOE PUBLIC :
20 UTILITY DISTRICT, :
21 Plaintiff, :

22 -vs- :

23 ATLANTIC RICHFIELD :
24 COMPANY ("ARCO"); :
ARCO CHEMICAL COMPANY; :
SHELL OIL COMPANY; :
et al., :

Defendants. :

25 - - -
26 Friday, September 22, 2000
27 - - -

28 Videotaped deposition of WILLIAM J. PIEL,
29 held at the offices of BLANK ROME COMISKY
30 - - -

31 ESQUIRE DEPOSITION SERVICES
32 15th Floor
33 1880 John F. Kennedy Boulevard
34 Philadelphia, Pennsylvania 19103
(215) 988-9191

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1 there for approximately three and a half
2 years as I remember.

3 Q. And after you finished your
4 assignment at the refinery, did you go to
5 work for a different ARCO company?

6 A. Yes, I went to work for ARCO
7 Chemical Division.

8 Q. And when did you start
9 working for the ARCO Chemical Division of
10 the company?

11 A. Some -- I think it was in
12 1979.

13 Q. Could you briefly describe
14 for us your educational background
15 starting with college?

16 A. I have a BS in Chemical
17 Engineering from Lehigh University. And
18 I have an MBA from Widener, Widener,
19 W-I-D-E-N-E-R, University.

20 (Exhibits 1 and 2 are marked
21 for identification.)

22 BY MR. MILLER:

23 Q. I've marked as Exhibit 1 the
24 notice of this deposition. Let me show

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1 you Exhibit 2. Is this a statement of
2 your professional qualifications, sir?

3 A. Yes, this represents my
4 general experience, right.

5 Q. Under the heading ARCO
6 Chemical Company Manager Business
7 Development, you list a number of major
8 activities that you engaged in with the
9 company; is that correct?

10 A. Yes.

11 Q. And you held that position
12 from 1987 to the date of this particular
13 CV; is that correct?

14 A. I'm not sure there's a date
15 on the CV. The --

16 Q. When did you leave Lyondell,
17 the successor to ARCO Chemical Company?

18 A. In April of '98.

19 Q. Between 1987 and April of
20 1998, were you the Manager of Business
21 Development for ARCO Chemical Company?

22 A. Yes.

23 Q. Were you assigned to their
24 corporate headquarters?

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1 time?

2 Q. I can only say, sir, that
3 when it was produced by the attorneys for
4 ARCO Chemical Company, these three pages
5 were produced consecutively together.

6 A. Okay.

7 MR. MOLLER: The record
8 should reflect, however, that they
9 were not produced in stapled form.

10 MR. MILLER: Considering
11 that they were produced on a disk
12 it would have been considerably
13 difficult to impose a staple.

14 (Exhibit 10 is marked for
15 identification.)

16 BY MR. MILLER:

17 Q. I'd like to turn to the next
18 exhibit, Exhibit 10.

19 This document is dated
20 September 11th, 1989. The subject is
21 MTBE Clean Air Promotion Meeting;
22 correct?

23 A. That's correct.

24 Q. So this would be

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1 approximately seven months after the last
2 document which was dated in February?

3 A. Let me check.

4 Yes.

5 Q. This is a document that came
6 from you and was sent to Mr. Dineen and
7 others who were employed by ARCO Chemical
8 Company at the time; is that correct?

9 A. That's correct.

10 Q. Was it sent to anyone
11 outside the company?

12 A. I don't recall.

13 Q. Looking at the list of
14 recipients and recipients of copies, do
15 you notice anyone there who appears to
16 have been outside the company?

17 A. The names on the list appear
18 to be all ARCO Chemical people at the
19 time.

20 Q. Okay. In this letter you
21 state: "Attached are the outline notes
22 that were used at the meeting to discuss
23 the MTBE promotion campaign. The theme
24 is to promote MTBE as the key ingredient

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1 for making low emission gasoline. I've
2 added some other items that were
3 discussed at the meeting. The conclusion
4 reached at the meeting was to move
5 forward on the promotion -- I'm sorry,
6 promotion campaign and target for around
7 October completion."

8 Correct?

9 A. That's what it says.

10 Q. Were you part of an MTBE
11 promotion campaign in 1989, sir?

12 A. Apparently I was.

13 Q. Isn't it a fact that you
14 were making presentations concerning the
15 use of MTBE to make a low emission
16 gasoline at that time?

17 A. Yes, I was using -- I was
18 showing presentations with technical data
19 to show how MTBE impacted the emissions
20 from vehicles using MTBE in a gasoline.

21 Q. In any of those
22 presentations in 1989 did you ever
23 mention MTBE in groundwater, sir?

24 A. I don't recall.

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